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|----------------------------------|---------------|------------|
| U.S. Patent and Trademark Office | 703/ 872-9306 | |

FROM: Michael R. Ward
Reg. No. 38,651

DATE: June 13, 2005

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| Number of pages with cover page: | 6 | |
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RE: U.S. Patent Application Serial No. 10/664,513
For: BIOCHEMICAL METHODS FOR MEASURING METABOLIC
FITNESS OF TISSUES OR WHOLE ORGANISMS
By: Marc K. HELLERSTEIN
Art Unit: 1651
Examiner: R.J. Gitomer
Our Reference: 416272003700

ATTACHED DOCUMENTS:

1. Transmittal (1 page)
2. Power of Attorney document (1 page) and
3. Statement Under 37 CFR 3.73(b) (1 page)
4. Copy of Assignment document (2 pages)

COMMENTS:

Please see attached documents. Thank you.

sf-1945002

PTO/SB/21 (08-03)

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| | | | |
|---|---|------------------------|---------------------|
| <h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p> | | Application Number | 10/864,513 |
| | | Filing Date | September 16, 2003 |
| | | First Named Inventor | Marc K. HELLERSTEIN |
| | | Art Unit | 1851 |
| | | Examiner Name | R. J. Gltomer |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 416272003700 |

ENCLOSURES (Check all that apply)

| | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address (1 page) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Statement Under 37 C.F.R. § 3.73(b) (1 page) 2. Copy of Assignment document (2 pages) 3. Facsimile Cover Sheet, not included with page count |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|--|
| Firm or Individual name | MORRISON & FOERSTER, LLP (Customer No. 20872) Michael R. Ward - Reg. No. 38,651 |
| Signature | <i>Michael R. Ward</i> |
| Date | June 10, 2005 |

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9908, on the date shown below.

Dated: June 10, 2005

Signature: *Leah Kjellen* (Leah Kjellen)

sf-1945000

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PTO/SB/81 (11-04)

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| | | | | |
|---|----------------------|---|--|--|
| POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM | Application Number | 10/664,513 | | |
| | Filing Date | September 16, 2003 | | |
| | First Named Inventor | Marc K. HELLERSTEIN | | |
| | Type | BIOCHEMICAL METHODS FOR MEASURING METABOLIC FITNESS OF TISSUES OR WHOLE ORGANISMS | | |
| | Art Unit | 1651 | | |
| | Examiner Name | R. J. Gltner | | |
| | Attorney Docket No. | 416272003700 | | |

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number: 20872

OR

☐ Practitioner(s) named below:

| Name | Registration Number | Name | Registration Number |
|------|---------------------|------|---------------------|
| | | | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86)

SIGNATURE of Applicant or Assignee of Record

| | | | |
|-------------------|--|-----------|----------------|
| Signature | | Date | 9/26/05 |
| Name | Carol Mimura, Ph.D. | Telephone | (510) 643-7201 |
| Title and Company | Director, Office of Technology Licensing. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA | | |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted.

sf-1924928

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PTO/SB/08 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Marc K. HELLERSTEINApplication No./Patent No.: 10/664,513Filed/Issue Date: September 16, 2003Entitled: BIOCHEMICAL METHODS FOR MEASURING METABOLIC FITNESS OF TISSUES OR WHOLE ORGANISMSThe Regents of the University of California, a
(Name of Assignee)

corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Michael R. Ward
Signature6/10/05
DateMichael R. Ward - Reg. No. 38,651
Printed or Typed Name(415) 268-6237
Telephone NumberAttorney
Title

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9308, on the date shown below.

Dated: June 13, 2005

Signature [Signature] (Leah Kjellen)

sf-1945004

ASSIGNMENT**U.C. Case No. B01-074**

For good and valuable consideration, including royalties as stated in the UC Policy effective October 1, 1997, the receipt of which is hereby acknowledged, ASSIGNOR(S),

1. Marc K. HELLERSTEIN

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located at 1111 Franklin Street, 12th Floor, Oakland, CA 94607-5200, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in UCB Case No. B01-074.

or which is found in

(a) _____ U.S. provisional application filed herewith and listing the above named persons as inventors entitled

(b) _____ U.S. provisional patent application filed on, and listing the above named persons as inventors entitled

(c) X U.S. patent application serial no. 10/664,513 filed on September 16, 2003 entitled **BIOCHEMICAL METHODS FOR MEASURING METABOLIC FITNESS OF TISSUES OR WHOLE ORGANISMS**

(d) _____ U.S. Patent No.: _____, issued on _____

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, divisional, continuation-in-part, extension, conversion to 35 USC 111 (a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

sf-1924955

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Docket No.: 416272003700

I/We hereby authorize and request the assignee's attorneys, Morrison & Foerster LLP, to insert where designated above the application number and filing date of said application when known.

executed this

Date:

5/5/05

Signature of Inventor(s)

Marc K. HELLERSTEIN